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Review of the efficiency of the administrative and financial functioning of the United Nations

Draft resolution submitted by the Rapporteur following informal consultations

Report of the Office of Internal Oversight Services on strengthening the investigation functions in the United Nations

The General Assembly,

Recalling its resolutions 48/218 B of 29 July 1994, 54/244 of 23 December 1999 and 59/272 of 23 December 2004, establishing the Office of Internal Oversight Services and its operational independence,

Recalling also its resolutions 57/282 of 20 December 2002 and 58/268 of 23 December 2003,

Having considered the report of the Office of Internal Oversight Services on strengthening the investigation functions in the United Nations,[1]

Noting that independent investigation is in the best interests of the Organization,

Noting also that violations of the United Nations Financial and Staff Rules and Regulations and administrative instructions are considered misconduct and call for disciplinary action,

1. *Takes note* of the report of the Office of Internal Oversight Services on strengthening the investigation functions in the United Nations;[1]

2. *Re-emphasizes* the principle of separation, impartiality and fairness on the part of those with responsibility for investigation functions;

3. *Re-emphasizes also* that the Office of Internal Oversight Services is the internal body entrusted with investigation in the United Nations;

4. *Notes* the need to enhance the capacity of the Office of Internal Oversight Services to conduct its mandated investigation functions efficiently;

[1] See A/58/708.

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5. *Recognizes* that the Office of Internal Oversight Services has established an efficient mechanism to enable all staff members and other persons engaged in activities under the authority of the Organization to convey directly their allegations to the Office of Internal Oversight Services;

6. *Stresses* that sexual exploitation and abuse constitute serious misconduct and fall under category I;[2]

7. *Notes* that sexual harassment constitutes a serious concern to Member States, and, bearing in mind paragraph 12 of the present resolution, notes that the Office of Human Resources Management and programme managers may be entrusted to conduct investigations in this context;

8. *Decides* that the Office of Internal Oversight Services may entrust trained programme managers to conduct investigations on its behalf;

9. *Also decides* that in cases of serious misconduct and/or criminal behaviour, investigations should be conducted by professional investigators;

10. *Requests* the Secretary-General to implement the proposals of the Office of Internal Oversight Services to increase basic investigation training, as appropriate, for the handling of minor forms of misconduct, to develop written procedures for the proper conduct of investigations and to promote the concept of an independent investigation function within the United Nations;

11. *Decides* that the results of investigation conducted by programme managers should be reported to the Office of Internal Oversight Services;

12. *Requests* the Secretary-General to establish an administrative mechanism for the mandatory reporting by programme managers of allegations of misconduct to the Office of Internal Oversight Services and to report on the establishment of such a mechanism to the General Assembly at the resumed part of its sixtieth session;

13. *Also requests* the Secretary-General to ensure that the introduction of a mandatory reporting mechanism will not adversely affect the right of an individual staff member to report cases of allegations of misconduct directly to the Office of Internal Oversight Services;

14. *Further requests* the Secretary-General to ensure that where poor management practice is a contributory factor in cases of misconduct, appropriate managerial action is taken by the Office of Human Resources Management;

15. *Requests* the Secretary-General to ensure that an appropriate mechanism is in place to protect staff members who report misconduct within the Secretariat against retaliation;

16. *Also requests* the Secretary-General to ensure that, in case of proven misconduct and/or criminal behaviour, disciplinary action and, where appropriate, legal action in accordance with the established procedures and regulations will be taken expeditiously, and requests the Secretary-General to ensure that Member States are informed on an annual basis about all actions taken;

17. *Further requests* the Secretary-General to ensure that all staff of the Organization are informed of the most common examples of misconduct and/or

[2] See A/58/708, para. 26.

criminal behaviour and their disciplinary consequences, including any legal action, with due regard to the protection of the privacy of the staff member(s) concerned;

18. *Requests* the Secretary-General to ensure that when conclusions of the Office of Internal Oversight Services are disputed by a programme manager, appropriate action will be taken to resolve the dispute and that information thereon will be included in the annual report of the Office of Internal Oversight Services.